

Lott, Don

From: Drewes, Scott
Sent: Monday, March 28, 2016 10:40 AM
To: Hebert, John; Moriarty, Thomas; Kaczmarek, Chris; Knorr, Michele; Lott, Don; Miles, James; Vizard, Elizabeth; Echeverria, Marietta; Cromwell, Rame; Keltz, Colleen; Bryan, Jeffrey
Cc: Murasaki, Seiichi; Chao, Julie; Miederhoff, Eric; Perlis, Robert; Dyner, Mark; Huskey, Angela; Ambrosino, Helene; Herndon, George
Subject: Treated Articles Policy/Memo

Hi All,

A brief agenda for today's meeting:

- review/discuss scoping document
- discuss/figure out next steps

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Below are discussion topics from comments received on the scoping document.

Discussion topics

- Thank folks for comments. I haven't been able to incorporate them all yet.

Deliberative Process / Ex. 5

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Internal and Deliberative

Scoping Document for OPP Policy Statements Regarding Treated Articles

Introduction:

FIFRA Section 25 allows the Administrator to exempt from the requirements of FIFRA by regulation any pesticide the Administrator determines to be of a character which is unnecessary to regulate. The so-called treated articles exemption, at 40 CFR 152.25(a) exempts from regulation an article treated with a pesticide provided the use of the pesticide is only to protect the treated article itself, if the pesticide is registered for such use. Registrants, importers, state agencies and other stakeholder have, over the years, requested clarification regarding the application of the treated article exemption to a variety of products and in a number of scenarios. Currently, several divisions within OPP have been in the midst of deliberations on aspects of the treated articles exemption. Thus, there is a need to develop a consistent approach to the application of the treated article exemption to products regulated under FIFRA. The treated article policy could extend to commodities treated by a range of pesticide products, including seed treatments, antimicrobials, wood treatments, and clothing treatments. This document scopes out the terrain of issues that have arisen.

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